

REMARKS

The office action dated March 6, 2006 (the “Office Action”) has been received and carefully noted. Claims 1-4, 7, 8, 10-16, 28 and 29 were examined. Claims 1-4, 7, 8, 10-16, 28 and 29 were rejected. Claims 1, 7, 14, 28-29 are amended. Support for amended claims 1 and 14 can be found in, for example, ¶ [0028]. Support for amended claim 7 can be found in, for example, ¶ [0025]. Support for amended claims 28-29 can be found in, for example, FIG. 7. As such, no new matter has been added. Claims 1-4, 7, 8, 10-16, 28 and 29 remain in the Application.

Claim 7 was objected to for informalities. Appropriate correction has been made.

Claim 14 was objected to for informalities. Appropriate correction has been made.

I. Claims Rejected Under 35 U.S.C. § 112

Claims 14, 28, and 29 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 14 is amended to comply with 35 U.S.C. § 112. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Claims 28-29 has been amended to clearly define the claimed subject matter. Accordingly, Applicants respectfully request that the rejection be withdrawn.

II. Claims Rejected Under 35 U.S.C. § 102

Claims 1-4, 7, 8, 10-16, 28 and 29 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,165,826 issued to Chau et al. (“*Chau*”). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP 2131. Applicants respectfully submit that each and every element in independent claims 1 and 14 and their respective dependent claims is not set forth in the cited references.

Independent claims 1 and 14 include the limitation of “*an etch stop layer disposed on the substrate on the second device exclusive of the first device.*” (See, e.g., ¶ [0040]) *Chau*, on the other hand, does not describe this limitation. As such, *Chau* does not set forth each and every

element of independent claims 1 and 14. Dependent claims 2-4, 7, 8, 10-13, 15-16 and 28-29 include all of the limitations of their respective independent claims 1 and 14. Accordingly, Applicants respectfully submit that claims 1 and 14 and their respective dependent claims are allowable over *Chau*.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending, namely claims 1-4, 7, 8, 10-16, 28 and 29, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800 x766.

Respectfully submitted,

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Melissa Stead 6-5-06
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